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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

**Adam McDorman,**

Plaintiff,

vs.

**Valley Christian Schools, an Arizona  
non-profit corporation,**

Defendant.

**Case No. 2:22 CV**

**COMPLAINT AND  
DEMAND FOR JURY TRIAL**

Plaintiff Adam McDorman ("Plaintiff" or "McDorman"), by and through his undersigned counsel, files this Complaint and Demand for Jury Trial against the Defendant, Valley Christian Schools, an Arizona non-profit corporation, pursuant to Federal Rules of Civil Procedure ("FRCP") Rules 3, 7(a)1, 8(a), and 38(a & b):

**1. Plaintiff's Three Claims**

COUNT ONE: 42 U.S.C. 2000e-2(a): Employment discrimination on the basis of religion

COUNT TWO: 42 U.S.C. 2000e-3(a): Retaliation for opposing a discriminatory practice in employment

COUNT THREE: 20 U.S.C. 1681(a): Retaliation for opposing a discriminatory practice in education

**2. Parties, Jurisdiction, and Venue**

**1.** Plaintiff Adam McDorman:

(A) Is an adult male.

(B) Is a person of religious faith and is Christian (protestant).

(C) Is, and was at all times material to this Complaint, a resident of Maricopa County, Arizona.

(D) Was at all times material to this Complaint an “employee” of Defendant Valley Christian Schools, an Arizona non-profit corporation, as that term is defined and used in 42 U.S.C. 2000e-(f).

**2.** Defendant Valley Christian Schools (“VCS”) was at all times material to this Complaint:

(A) An Arizona non-profit corporation, Arizona Corporation Commission entity #01452846.

(B) The owner and operator of educational institutions for Kindergarten, Elementary, Junior High School, and High School students located within Maricopa County, Arizona.

(C) The “employer” of Plaintiff McDorman as that term is defined and used in 42 U.S.C. § 2000e(b).

(D) The employer of at least 100 persons.

(E) An “educational institution” as that term is defined and used in 20 U.S.C. 1681(c).

(F) Acting by and through its authorized agent and employee, VCS High School Principal Josh LeSage.

**3.** On April 6, 2020, VCS was approved for a federal loan under the Paycheck Protection Program (“PPP”) in the amount of \$1,082,100.00. The loan was

funds were received by VCS but were later “forgiven” by the federal government in May, 2021. The PPP loan which was “forgiven” qualifies as federal financial assistance under 20 U.S.C. 682.

4. VCS had IRS approved tax-exempt status at all times material to this action, which was “Federal financial assistance” as that term is used in to 20 U.S.C. §§1681(a) and 1682.

**5.** The unlawful employment practices alleged herein were committed within the jurisdiction of the United States District Court for the District of Arizona, and within Maricopa County, Arizona. Therefore, venue is proper in this Court under 28 U.S.C. 1391(b).

**6.** This action is authorized and instituted pursuant to “Title VII”, 42 U.S.C. 2000e et. seq, and “Title IX”, 20 U.S.C. 1682. This Court has subject matter jurisdiction all of the three claims filed in this Complaint pursuant to 28 U.S.C. §§1331 and 1343.

### **3. Fact Allegations Supporting Claims**

7. McDorman was employed by VCS as a High School English Teacher from August, 2014 through November 9, 2021. McDorman taught AP Language and American Literature and served in the English department. The title of McDorman's position was High School English Teacher ("English Teacher").

**8.** In addition to the English department, VCS also has a Bible department. Teachers serving in the Bible department hold the official title of High School Bible Teacher (“Bible Teacher”).

9. McDorman’s title as an English Teacher is secular in subject matter. He did *not* hold the title of High School Bible Teacher (“Bible Teacher”).

**10.** McDorman earned his Bachelor of Arts in Secondary Education with a focus on Literature and Language Arts from Indiana University. McDorman also

1 earned a Bachelor of Science in Computer Information Systems from Purdue  
2 University.

3 **11.** McDorman's training and education were in English and Language Arts.  
4 McDorman was not required to undergo religious training as a prerequisite for his  
5 English Teacher position at VCS.

6 **12.** In contrast, all Bible Teachers at VCS earned their degrees in a program  
7 studying Christianity or theology, received extensive ministerial training, or both. As  
8 such, their religious education and training qualify them at VCS to be Bible Teachers.

9 **13.** McDorman's primary duties involved teaching AP Literature and  
10 American Literature. McDorman did not teach the principles of Christianity or  
11 religion. Occasionally, the subject of Christianity came up in McDorman's teaching  
12 when he facilitated literary discussions that included a question about how an assigned  
13 reading might reflect the Bible in some fashion.

14 **14.** Aside from his teaching duties, McDorman fulfilled other assigned  
15 duties in his employment at VCS. These duties included supervising one school event  
16 per year, supervising a lunch rotation for one week at a time for three nonconsecutive  
17 weeks out of the year, orchestrating a back-to-school night, and holding multiple  
18 parent-teacher conference events outside of contract hours.

19 **15.** McDorman's Christian faith and beliefs include acceptance and equality  
20 for all LGBT persons and do not tolerate discrimination or hostility against them.

21 **16.** VCS states its policies, positions and beliefs on marriage and sexuality  
22 on its website. The "Foundational Positions" section under its Mission and Beliefs  
23 page states:

24 "Marriage and Sexuality. We believe that God wonderfully and  
25 immutably creates each person as male or female. These two distinct,  
26 complementary genders together reflect the image and nature of God. Rejection  
27 of one's biological gender is a rejection of the image of God within that person  
28 ... We believe that any form of sexual immorality (including adultery,

1       fornication, homosexuality, lesbianism, bisexual conduct, bestiality, incest,  
2       pornography, and attempting to change one's biological sex or otherwise acting  
3       upon any disagreement with one's biological sex) or advocacy of sexual  
4       immorality, is sinful and offensive to God. If a student advocates or practices  
5       lifestyles outlined in this paragraph and does not repent of it, they likely will  
6       not be retained as a student at VCS."

7       **17.** In the Fall of 2021, one of McDorman's students at VCS (hereinafter  
8       referred to as "Jane Doe") posted on social media that they identify as "pansexual".

9       **18** At approximately that time, VCS Principal Josh LeSage ("LeSage") found  
10       out about Jane Doe's pansexual sexual orientation.

11       **19.** On November 1, 2021, during a staff meeting at which McDorman was  
12       present, LeSage said that all of VCS staff should have the same religious belief in the  
13       sinfulness of LGBT sexual orientation, and that **anyone who did not agree was like**  
14       **a cancer that needed to be removed from the (VCS) organization.**

15       **20.** On November 3, 2021, during a department meeting, McDorman  
16       opposed the comments made by LeSage on November 1st and he suggested finding  
17       ways to better care for VCS's LGBT students and to protect them from discrimination  
18       based on their sexual orientation.

19       **21.** On November 3, 2021, LeSage e-mailed VCS leadership about plans to  
20       meet with Jane Doe concerning her pansexual sexual orientation without her parents'  
21       presence. LeSage's e-mail expressed his disdain for pansexuality saying, "*There is*  
22       *hideous lie that "You can be both," meaning a homosexual or otherwise sexually*  
23       *deviant and also a Christian. God is clear that we cannot openly live in and celebrate*  
24       *our sin, much less elevate it to the status and f being part of our identity and serve*  
25       *Christ at the same time. The very thought is so offensive."* LeSage referenced  
26       McDorman's statements at the November 3, 2021 department meeting saying:  
27       "*[R]ight now, we have a faculty member and a "central office" employee who*  
28       *supposedly suggested in a meeting today that we invite a pastor of a local gay-friendly*

1 *church to come and speak to our faculty to help us better understand this lifestyle and*  
2 *better minister to those kids we may have. Hell no! We are not doing that."*

3       **22.** On November 8, 2021, LeSage expressed his plan to meet with Jane Doe  
4 to discuss their sexual orientation without her parents' knowledge or consent.  
5 McDorman met with LeSage advising him against meeting with Jane Doe to discuss  
6 her sexual orientation without her parents' presence. LeSage rejected McDorman's  
7 advice and made it clear that he has a "problem" with Christians who identify as gay  
8 or gender nonbinary. McDorman and LeSage met for several hours, and McDorman  
9 tried to convince LeSage to be more accepting of the LGBT population, especially  
10 VCS students. During their conversation, McDorman objected and protested  
11 LeSage's discriminatory anti-LGBT views, but LeSage was hostile to McDorman's  
12 religious view of Christian tolerance and acceptance of LGBT students.

13       **23.** McDorman was fired by VCS on November 9, 2021, one day after his  
14 unsuccessful meeting with LeSage.

15       **24.** During the week of November 9, 2021, LeSage and VCS High School  
16 Coordinator of Student Health and Wellness Chizzy Anderson ("Anderson"), met  
17 with Jane Doe *without* her parents' knowledge or consent. Jane Doe recorded the  
18 meeting, and the recording includes the topics McDorman and LeSage had argued  
19 over on November 8, 2021.

20       **25.** During this recorded meeting with Jane Doe, Anderson told her that:

21       "Transgender people actually have a mutation in their brain where like,  
22 if someone's a woman, they're the same way that when you were in your  
23 mother's womb, you were given only XX chromosomes until something  
24 equivalent of a mutation, it's not considered a mutation anymore. But there's an  
25 assignment where you like, you get the Y chromosome that makes you a man.  
26 So transgender people have that mutation and their brains were like, oh, like, if  
27 I was born as a woman, I could have a mutation in my brain where my brain  
28 starts producing Y chromosomes, because I still have that capability. They're  
not crazy. It's a biological thing."

1           26. During this recorded meeting with Jane Doe, LeSage told her that:

2           (A) "But the reality is, God makes men and he makes women. And so, this  
3           person at DHH spiritual problem, a mental problem. Let me tell you  
4           something. This is a computer, it has hardware, and it has software, right?  
5           Sometimes when people decide to be transgender, because nothing  
6           supersedes God's word, it's a hardware issue. Sometimes it's a software issue  
7           with many, many transgender people, and people who are self-proclaimed  
8           homosexuals. There is, sometimes a hardware issue, as you describe. Most  
9           of the time, there's a software issue. It is spiritual, it is mental."

10          (B) "Now, let me tell you, the homosexual community is shying away from  
11          the fact that most homosexual men did suffer sexual abuse as an adolescent.  
12          And there is solid scientific research outside of Bible circles, that shows  
13          your first sexual experience has a strong determining factor in what your  
14          sexual preferences are. So again, sin coming into the world, a boy is abused  
15          by a man, something happens in his brain that shifts and makes his  
16          preference cannot always, but can, give him a preference for men sexually.  
17          But acting that out is still sinful and God doesn't give people a mulligan, or  
18          an excuse that now you're going to define yourself this way because some  
19          man took advantage of you. It's still sinful. And if we go back to God's word,  
20          it's sinful."

21          (C) "Same-sex relations are an abomination to God. And whenever you  
22          confuse whether I'm a man or a woman, and so and God is dealing with sex,  
23          and so far, this gentleman who's pretending to be a woman, and now if he  
24          has sex with a man, he cannot stand before God and say I am not committing  
25          a homosexual act, because I am a woman, when God made him a man. And  
26          that's the danger, theologically of what happens because if I can decide to  
27          be a woman today, and a man tomorrow, and when it's convenient for my  
28          lifestyle, I conflate gender and sexuality, therefore I can have I can be  
29          married to a woman for 25 years and honor God because I'm a man. But  
30          then, whatever happens up here, and the hardware and the software, now  
31          I'm a woman, and so I'm going to be it just doesn't work. It doesn't work."

1 (D) "So God made you a girl. A female. Now that you want to live your life  
2 as a man, what is that? What does that look like?"

3 (E) "God very clearly defines sexual relationships that he approves of. And  
4 it's a man and woman inside marriage, and any sexual relationship outside  
5 of that is sexual deviancy. It's a perversion. It's missing the mark for God's  
6 plan ... Now, that doesn't mean homosexuals are perverts, but it means from  
7 a scriptural perspective, that they are perverse in their relationships with  
8 each other."

9 (F) "I believe God can take away the desire you have for women, just like  
10 he took away my grandmother's desire for cigarettes. But you have to want  
11 that. I also believe you could pray every day until you die like my  
12 grandfather, and say, God, please take this desire away from me. And he  
13 may not do it, because he's God. And I'm not. But I believe that in either  
14 circumstance, you can honor God with what you choose to do with your  
15 body because the word of God says the same spirit that raised Christ from  
16 the dead lives inside of you. And if he can have a virgin, have a baby, and  
17 park the Red Sea for Israel, God loves you enough to give you the ability.  
18 Just like you reference Paul and being abstinent right? That you cannot  
19 follow those sinful desires to be with other girls."

20 **27.** These statements and religious doctrine from LeSage and Anderson to  
21 Jane Doe were similar to the VCS policies and discriminatory statements that LeSage  
22 made to McDorman on November 8, 2021, the day before his termination.

23 **28.** VCS, by the conduct of LeSage, deprived McDorman of his right to be  
24 free from discrimination based on his religious views. LeSage subjected McDorman  
25 to threats of discriminatory treatment when he stated that staff should have the same  
26 opinion that he has about matters of gender and sexuality, and anyone who did not  
27 agree was like cancer that needed to be removed from the organization. Further,  
28 LeSage informed VCS leadership of McDorman's suggestion to invite a gay-friendly

1 pastor to speak with faculty about the LGBT population. LeSage made it vehemently  
2 clear that he was opposed to McDorman's suggestion.

3 **29.** McDorman was terminated by VCS solely because of his sincerely held  
4 Christian belief about tolerance and acceptance and equality for LGBT persons  
5 because it conflicts with VCS's and LeSage's express religious discrimination and  
6 hostility towards LGBT persons.

7 **30.** McDorman has suffered damages including, *inter alia*, lost wages from  
8 the loss of his job after being fired, a reduced standard of living and loss of benefits,  
9 embarrassment and humiliation from being fired, and worry about how he would  
10 support himself while dependent upon unemployment benefits, sadness, and  
11 emotional distress from the loss of the job and the highly valued relationships he had  
12 enjoyed with his co-workers and students at VCS.

13 **31.** The unlawful employment practices alleged herein by VCS were willful  
14 and deliberate unlawful acts to harm McDorman or done with reckless indifference  
15 to the federally protected rights of Plaintiff, thereby entitling him to an award of  
16 punitive damages in an amount to be determined by the trier-of-fact.

#### 17 **4. Exhaustion of Title VII Administrative Remedies**

18  
19  
20 **32.** Based upon the foregoing, the Plaintiff filed his charge of Title VII  
21 employment discrimination and retaliation with the United States Equal Employment  
22 Opportunity Commission ("EEOC") on February 16, 2022: EEOC charge # 540-  
23 2022-0096. A copy of the charge is attached as **Exhibit 1** infra, and incorporated  
24 herein by reference pursuant to FRCP Rule 10(c).

25 **33.** On September 29, 2022, the EEOC issued its notice of right to sue for this  
26 charge, supra. A copy of this notice is attached as **Exhibit 2** infra, and incorporated  
27 herein by reference pursuant to FRCP Rule 10(c).  
28

**34.** This Complaint is filed within ninety days of McDorman's receipt of the Notice from the EEOC, *supra*.

## **5. Demand for Trial by Jury**

Plaintiff McDorman requests a trial by jury on all claims pursuant to the U.S. Constitution Seventh Amendment, FRCP Rule 38, and 42 U.S.C. 1981a(c).

## **6. Relief Requested**

Based upon the foregoing, Plaintiff McDorman requests judgment and orders granting him the following relief against Defendant Valley Christian Schools:

**COUNT ONE: 42 U.S.C. 2000e-2(a)**

## Employment discrimination on the basis of religion

1. Compensatory damages
2. Punitive damages
3. Injunctive relief including, inter alia, back pay and lost benefits
4. Reasonable attorney's fees and expert fees, pursuant to Federal Rules of Civil Procedure Rule 54(d)(2), and 42 U.S.C. 2000e-5(k)
5. Taxable costs pursuant to Federal Rules of Civil Procedure, Rule 54(d)(1), and 28 U.S.C 1920

**COUNT TWO: 42 U.S.C. 2000e-3(a)**

## Retaliation for opposing discriminatory employment practices

1. Compensatory damages
2. Punitive damages
3. Injunctive relief including, inter alia, back pay and lost benefits
4. Reasonable attorney's fees and expert fees, pursuant to Federal Rules of Civil Procedure Rule 54(d)(2), and 42 U.S.C. 2000e-5(k)

1 5. Taxable costs pursuant to Federal Rules of Civil Procedure, Rule 54(d)(1),  
2 and 28 U.S.C 1920

3  
4 **COUNT THREE: 20 U.S.C. 1681(a)**

5 Retaliation for opposing discriminatory educational practices

- 6 1. Compensatory damages  
7 2. Punitive damages  
8 3. Injunctive relief including, inter alia, back pay and lost benefits  
9 4. Reasonable attorney's fees and expert fees, pursuant to 42 U.S.C. 1988(b),  
10 Federal Rules of Civil Procedure Rule 54(d)(2), and 42 U.S.C. 1988(b)  
11 5. Taxable costs pursuant to Federal Rules of Civil Procedure, Rule 54(d)(1),  
12 and 28 U.S.C 1920

13  
14 Respectfully submitted this 27<sup>th</sup> day of December 2022.

15  
16  
17 ROBINSON LAW OFFICES

18 By: /s/ Krista S. Robinson

19  
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24

25 **Attached Exhibits**

- 26 1. EEOC charge # 540-2022-0096 (Feb. 16, 2022)  
27 2. Notice of right-to-sue for EEOC charge # 540-2022-0096 (Sept. 29, 2022)  
28